

**Office of the New York State
Attorney General****By ECF**

The Honorable Philip M. Halpern
 United States District Judge
 United States District Court
 Southern District of New York
 300 Quarropas Street
 White Plains, New York 10601-4150

Application granted. Defendants shall respond to the Amended Complaint by November 26, 2024.

The Clerk of Court is respectfully directed to terminate the letter motion pending at Doc. 15 and mail a copy of this Order to Plaintiff.

SO ORDERED.



Philip M. Halpern
 United States District Judge

Dated: White Plains, New York
 October 30, 2024

Re: Kelsey v. Rosa, 24-Civ-5179 (PMH), SDNY

Dear Judge Halpern:

This Office represents Defendants New York State Court Justices Christopher, Connolly, Landicino, Maltese, Rosa and Segal in this pro se lawsuit under 42 U.S.C. § 1983 challenging parole conditions and revocation proceedings. The 14 Defendants include seven Justices and seven Community Supervision (i.e. Parole) employees of the New York State Department of Corrections and Community Supervision (DOCCS). On behalf of all Defendants, this Office respectfully requests an extension of the time to respond to the Amended Complaint (AC) by Answer or Motion from November 1 until November 26, 2024.

In addition to the aforementioned six Justices, we are finalizing representation with five of the DOCCS Defendants, however Plaintiff has not yet served three Defendants. Defendant Justice Acker was newly added with the filing of the AC (ECF Doc. # 13) on October 3, 2024, and a summons has not yet been issued for her. DOCCS Defendant Christopher Miller is no longer at the Poughkeepsie Parole Office, where Plaintiff attempted to serve him, but is an Investigator in DOCCS's Office of Special Investigations and may be served at Fishkill Correctional Facility, 18 Strack Drive, Beacon, NY 12508-0307. The third unserved Defendant is misidentified as Sheila Jackson, but we believe the correct identity of DOCCS's representative at the Recognizance Hearing described in ¶¶ 141, 332 of the AC is Desiree Green-Jackson. We have been informed that she no longer works for DOCCS and are in the process of identifying a service address for her, which we will provide to Plaintiff when that is achieved. Thus, the additional time is requested to give Plaintiff an opportunity to properly join these three Defendants to the case, to finalize representation, to prepare an appropriate response to the AC, and to avoid piecemeal responses to the AC.

The Court has granted one prior request to extend the time to respond to the pleadings on September 25, 2024 (ECF Doc. # 10). Plaintiff conditioned consent on Defendants' agreement to remove his delinquent status, a condition that Defendants cannot accept because that status is the product of Plaintiff's ongoing revocation proceedings. Accordingly, Defendants decline to provide relief to Plaintiff that they contend is subject to the abstention doctrine of Younger v. Harris, 401

Michael N. Kelsey
October 29, 2024

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U.S. 37 (1971). Finally, correspondence between Plaintiff and this Office suggests that we can reach an agreement on the timing and manner of service on Justice Acker, Investigator Miller and Officer Green-Jackson that would permit acceptable service and sufficient time for the Court-required exchange of letters between the parties and submission of a pre-motion to dismiss letter by the requested November 26 deadline.

Respectfully submitted,

/s/ Steven N. Schulman
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